

REMARKS

Reconsideration of this application is respectfully requested. Claims 36, 38, 40-44, and 46 have been amended. New claim 54 is derived from claim 36. Claim 54 reads on the elected invention. The specification has been amended to change the heading for the drawings. An Abstract has been added. This amendment adds no new matter.

Objections

The Examiner objected to the specification for referring to “LEGENDS TO THE FIGURES” instead of “BRIEF DESCRIPTION OF THE DRAWINGS.” Applicant has amended the specification as required by the Examiner. Accordingly, this objection is moot.

The Examiner objected to claims 38, 40, 42, 44, and 46 as being in proper form because they are multiple dependent claims that depend on multiple dependent claims. Applicant has amended claims 38, 40, 42, 44, and 46 to remove multiple dependency. Accordingly, this objection is moot.

Requirement for an Abstract

The Examiner required an Abstract. An Abstract has been provided by Applicant, together with an amendment directing its entry. Accordingly, this requirement has been fulfilled.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 36-44 and 46 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner contends that claim 36 lacks sufficient basis for the phrase “HER-2 protein according to claim 34 or 35”

because these claims are non-elected. Applicant traverses the rejection. Claim 36 does not lack antecedent basis simply because claims 34 and 35 have been withdrawn from consideration. The skilled artisan can still determine the metes and bounds of claim 36. Thus, claim 36 is definite.

Nonetheless, Applicant has amended claim 36 to independent form by incorporating the limitations of claim 34. The Examiner indicated that such an amendment would overcome this rejection. Accordingly, Applicant submits that this rejection has been obviated.

The Examiner contends that claim 40 is indefinite in the recitation of a “mini-chromosome.” Applicant traverses the rejection. A mini-chromosome is a type of vector for autonomous replication in cells, which is well-known to the skilled artisan, and is encompassed by claims 38 and 39. The skilled artisan would thus understand the metes and bounds of claim 40. Nonetheless, claim 40 has been amended to remove the recitation of “mini-chromosome.” Accordingly, Applicant submits that this rejection has been obviated.

The Examiner contends that claims 39, 40, 41, and 43 lack sufficient basis for the phrase “the vector according to claim 37.” Applicant has amended claims 39, 40, 41, and 43 to remove this recitation. Accordingly, Applicant submits that these rejections have been obviated.

The Examiner contends that claim 42 is indefinite in the recitation of a “terminator.” Claim 42 has been amended to remove the recitation of “terminator.” Accordingly, Applicant submits that this rejection has been obviated.

The Examiner contends that claim 44 lacks sufficient basis for the phrase “HER-2 protein according to claim 34 or 35” because these claims are non-elected. Applicant traverses the rejection. Claim 44 does not lack antecedent basis simply because claims 34 and 35 have been withdrawn from consideration. The skilled artisan can still determine the metes and bounds of claim 44. Thus, claim 44 is definite. Nonetheless, Claim 44 has been amended to remove the reference to claims 34 and 35. Accordingly, Applicant submits that this rejection has been obviated.

Applicant submits that this application is in condition for allowance. If the Examiner believes that issues remain to be addressed before a Notice of Allowance, Applicant respectfully requests that the Examiner contact the undersigned to discuss any outstanding issues.

Respectfully submitted,

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